

# United States District Court

## NORTHERN DISTRICT OF CALIFORNIA

PLAINTIFF

BOVIS LEND LEASE, INC., as assignee of LNR-LENNAR BRANNAN STREET, LLC

**THIRD PARTY SUMMONS IN A  
CIVIL ACTION**

V. DEFENDANT AND THIRD PARTY PLAINTIFF

MBH ARCHITECTS, INC., aka McNULTY  
BRISKMAN HEATH, and Does 1 through 50,  
inclusive,

CASE NUMBER: C07-05262 JSW

V. THIRD PARTY DEFENDANT

LNR-LENNAR BRANNAN STREET, LLC and  
Roes 1 through 50, inclusive,

TO: (Name and address of defendant)

LNR-LENNAR BRANNAN STREET, LLC  
70 NW 107th Avenue, Suite 400, Miami, FL 33172

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY, (*name and address*)

Sandy M. Kaplan  
Gordon & Rees  
275 Battery Street, Suite 2000  
San Francisco, CA 94111  
Tel: 415.986.5900 / Fax: 415.986.8054

DEFENDANTS AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(*name and address*)

Jennifer A. Becker  
John B. Sullivan  
Long & Levit LLP  
465 California Street, 5th Floor  
San Francisco, CA 94104  
Tel: 415.397.2222 / Fax: 415.397.6392

an answer to the third-party complaint which is herewith served upon you, within 20 (twenty) days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

RICHARD W. WIEKING

CLERK

(BY) DEPUTY CLERK

DATE

4/8/08

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action (reverse)

**RETURN OF SERVICE**

DATE

Service of the Summons and Complaint was made by me <sup>1</sup>

Name of SERVER (PRINT)

TITLE

*Check one box below to indicate appropriate method of service*☐

Served personally upon the third-party defendant. Place where served:

☐

Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐

Returned unexecuted:

☐Other (*specify*):**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

*Date**Signature of Server**Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.